

96
88-246-A

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit an accessory structure (corner lot) in rear yard 30 feet from street in lieu of placement in the farthest third of lot removed from street.

of the Zoning Regulations of Baltimore County, in the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. A built-in pool has been one of our goals since we purchased our home.

2. We plan to live here a long time and would like to use our property to its fullest potential.

3. To further add to the existing landscaping.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Address
City and State
Attorney's Telephone No.

Legal Owner(s):
Jeffrey J. Butta
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of January, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 7th day of January, 1988, at 9:00 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500
Paul H. Reinecke
Chief

September 22, 1987

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Jeffrey J. Butta, et ux
Location: NW/c. Cuning Circle and Dimely Court
Item No.: 96
Zoning Agenda: Meeting of 9/22/87

1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

2. A second means of vehicle access is required for the site.

3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

6. Site plans are approved, as drawn.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* 9-22-87 Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

IN RE: PETITION FOR ZONING VARIANCE
NW/cor. Cuning Circle and Dimely Court
(7109 Cuning Circle)
15th Election District
5th Councilmanic District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-246-A

Jeffrey J. Butta
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a zoning variance to permit an accessory structure (swimming pool) in the rear yard 30 feet from the street in lieu of the required placement in one third of the lot farthest removed from any street, as more particularly shown on the plan submitted, prepared by Sylvan Pools and revised August 22, 1987.

The Petitioner, Jeffrey J. Butta, appeared and testified. There were no Protestants.

Testimony indicated that the subject property is zoned D.R. 5.5 and is improved with an existing dwelling. Mr. Butta indicated that they have lived on the property for the past 11 years and now propose the construction of an in-ground swimming pool. Mr. Butta testified that efforts were made to relocate the pool so that it would be in compliance with Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). However, due to the characteristics of the property, relocation of the swimming pool was not possible. He pointed out that the majority of the proposed pool will be in the rear one third of the lot farthest removed from the street. Further, the nearest point of any part of the pool to the street is 30 feet.

Based upon the testimony and evidence presented at the hearing, it is the opinion of the Deputy Zoning Commissioner that to require strict compliance with the B.C.Z.R. would result in practical difficulty and unreasonable hardship upon the Petitioner. Granting the requested variance will not adversely affect

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

October 5, 1987

Meeting of September 22, 1987

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 96, 97, 98, 99, 100, 101, 102, 103, 104, and 105.

Very truly yours,
[Signature]
Michael S. Flanigan
Traffic Engineer Associate II

MSF:sb

the health, safety, and general welfare of the public and would be within the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Deputy Zoning Commissioner, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 12th day of January, 1988 that an accessory structure (swimming pool) in the rear yard 30 feet from the street in lieu of the required placement in one third of the lot farthest removed from any street, in accordance with the plan submitted, prepared by Sylvan Pools and revised August 22, 1987, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for re-turning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 23, 1987

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Jeffrey J. Butta
7109 Cuning Circle
Baltimore, Maryland 21220

RE: Item No. 96 - Case No. 88-246-A
Petitioner: Jeffrey J. Butta, et ux
Petition for Zoning Variance

Dear Mr. Butta:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb
Enclosures

Property Description

Beginning on the north side of Cuning Circle
50 feet wide and the west side of Dimely Court
50 feet wide recognized as a corner lot being
Lot 36 Block G in the subdivision Cuninghill
Cove (Bay Country) EXH JR 46 Folio 113 zoned
DR 5.5 also known as 7109 Cuning Circle in
the 15th Election District.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
FROM: Director of Planning and Zoning
Zoning Petitions No. 88-246-A, 88-249-A
SUBJECT: 88-246-A, 88-247-A, 88-248-A, 88-249-A

Date: November 23, 1987

There are no comprehensive planning factors requiring comment on this petition.

[Signature]
Norman E. Gerber, AICP
Director

NEG:JGH:dme
cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
NW/Cor. Cuning Circle and Dimely Court
(7109 Cuning Circle)
15th Election District; 5th Councilmanic District
Jeffrey J. Butta - Petitioner
Case No. 88-246-A
Thursday, January 7, 1988 at 9:00 AM

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 1-8-88 ACCOUNT: 400-615
AMOUNT: \$ 35.00
RECEIVED BY: Mr. Jeffrey J. Butta
FOR: Zoning Review, Item # 86
B 055*****22001a 2382F
VALIDATION OR SIGNATURE OF CASHIER

ROBERT HAINES
Zoning Commissioner of
Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD. Dec 17 1987

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. appearing on Dec 17 1987

THE JEFFERSONIAN

Sharon Lindley Shultz
Publisher

The Times

Middle River, Md. Dec 17 1987

This is to certify that the annexed advertisement was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of 6 successive weeks before the 17th day of Dec 1987

Joe P. Pomeroy
Publisher

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-716-A

District: 15th Date of Posting: 12/11/87
Posted for: Mr. & Mrs. Jeffrey J. Butta
Petitioner: Jeffrey J. Butta
Location of property: NW/Cor. Cuning Circle & Dimely Ct.
7109 Cuning Circle
Location of Sign: NW/Cor. Cuning Circle & Dimely Ct.
20 ft. x 10 ft. sign on property of petitioner
Remarks: Mr. & Mrs. Jeffrey J. Butta
Posted by: [Signature] Date of return: 12/14/87
Number of Signs: 1

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
404-0353
J. ROBERT HAINES
ZONING COMMISSIONER

Mr. Jeffrey J. Butta
7109 Cuning Circle
Baltimore, Maryland 21220
RE: Petition for Zoning Variance
NW/Cor. Cuning Circle and Dimely Court
15th Election District; 5th Councilmanic District
Case No. 88-246-A

Dear Mr. Butta:

This is to advise you that \$61.92 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 1/7/88 ACCOUNT: 400-615-000
AMOUNT: \$ 61.92
RECEIVED BY: [Signature]
FOR: Posting Advertising
B 051*****22001a 2382F
VALIDATION OR SIGNATURE OF CASHIER

January 12, 1988
Mr. & Mrs. Jeffrey J. Butta
7109 Cuning Circle
Baltimore, Maryland 21220
RE: Petition for Zoning Variance
NW/Cor. Cuning Circle and Dimely Court
15th Election District; 5th Councilmanic District
Case No. 88-246-A
Dear Mr. & Mrs. Butta:
Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted, subject to the restriction noted in the attached Order.
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.
Very truly yours,
ANN H. ESTABROOK
Deputy Zoning Commissioner
of Baltimore County
AMH:js
Enclosures
cc: People's Counsel
File

OWNER	JEFFREY S. & LINDA E. BUTTS	DATE	8/22/87
ADDRESS	7109 CUNNINGHILL COVE	LOT	36
CITY	BALTO. CO., MD.	STATE	MD.
ZIP	21204	COUNTY	BALTO.
PHONE	276-7772		
DATE	8/22/87		

SYLLAN POOLS

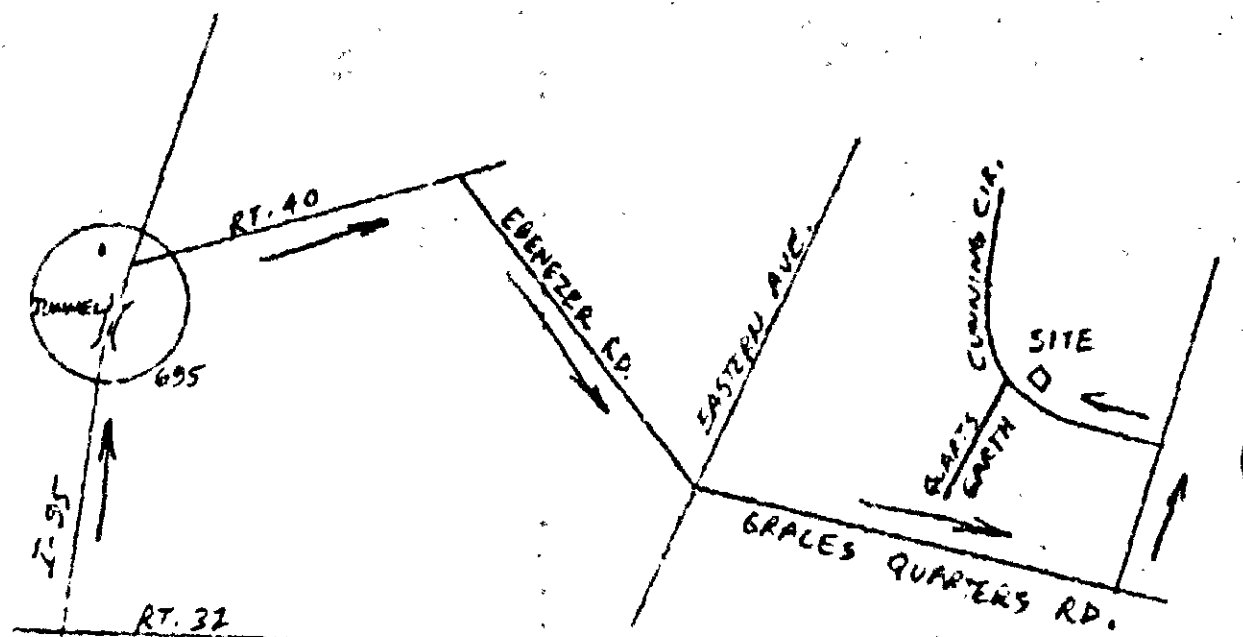
NAME: JEFFREY S. & LINDA E. BUTTS
 CITY ADDRESS: 7109 CUNNINGHILL COVE
 MAILING ADDRESS: 7109 CUNNINGHILL COVE
 SEE PLAN: 10-1-1 OFF PLAN: 10-1-1
 ACCT. NO.: 10-1-1
 MODEL: 10-1-1
 POOL CHAIRS: 10-1-1 DECK: 10-1-1
 WATER: 10-1-1 LENGTH: 10-1-1 FEET: 10-1-1
 WIDTH: 10-1-1 FEET: 10-1-1
 COZY CORNER: 10-1-1 LOVE SEAT: 10-1-1
 SPA: 10-1-1 TOTAL WATER: 10-1-1
 CAPACITY: 10-1-1 TURNOVER: 10-1-1
 100%: 10-1-1 TILE: 10-1-1
 A/C: 10-1-1 COVE + FLOATE: 10-1-1
 FILTER: 10-1-1 PUMP: 10-1-1
 CRIMPER: 10-1-1 RETURN: 10-1-1
 BOTTOM DRAIN: 10-1-1 LADDER: 10-1-1
 LIGHT POOL: 10-1-1 WATER LIGHT SPA: 10-1-1
 SHOWER: 10-1-1 BOARD LIGHT: 10-1-1
 VACUUM KIT: 10-1-1 CLEANING KIT: 10-1-1
 HEATER: 10-1-1 STOVE: 10-1-1
 SELF-CLEANER: 10-1-1 PERMANENT: 10-1-1
 INJECTOR SPA: 10-1-1 LOVE SEAT: 10-1-1
 AIR BLOWER: 10-1-1
 BOLLARD RECIRCULATING SYSTEM: 10-1-1
 TEMPORARY FENCE: 10-1-1
 100%: 10-1-1
 100%: 10-1-1

CABLE & UTILITY NO.
 SITE CONDITIONS
 GRADING: 10-1-1 GRADING: 10-1-1
 DIRT FILL: 10-1-1 DIRT LEAVE ON: 10-1-1
 STUMPS: 10-1-1
 ELECTRIC BY: 10-1-1 FENCE BY: 10-1-1
 DECK BY: 10-1-1 WALL BY: 10-1-1
 GAS LINE BY: 10-1-1 VENTED BY: 10-1-1
 ADDITIONAL NOTES:

HOW TO USE: 10-1-1
 CONTRACT OFF: 10-1-1 PH. NO. 276-7772
 SALESMAN: 10-1-1 MGR. 10-1-1
 SALES OFFICE: 10-1-1 PH. NO. 276-7772
 PERMIT OFFICE: 10-1-1 COUNTY: 10-1-1
 PHONE NO. 10-1-1

SPECIAL INSTRUCTIONS
 CONTRACT DATE: 8/22/87
 OWN. BY: 10-1-1
 DATE: 8/22/87
 OK'D BY: 10-1-1
 DATE: 8/22/87
 96

JEFFREY S. & LINDA E. BUTTS
 7109 CUNNINGHILL COVE
 LOT 36 DR 5.5
 SECOND AMENDED PLAT II
 CUNNINGHILL COVE
 15TH ELECT. DIST.
 BALTO. CO., MD.
 E.H.K., JR. 46
 FOLIO 113 BLOCK 6
 SCALE: 1"=50'
 LOT SIZE 6731.69 SQ. FT.
 CUNNINGHILL COVE



MAP TO SITE

RESIDENCE
 SCALE: 1/8" = 1'-0"
 DIRECTIONS:
 RT. 32 W. TO E-25 N. THRU TUNNEL TO
 RT. 40 E. TO RIGHT ON KARNER RD. -
 CROSS EAST ON AVE - GRALES QUARTERS
 RD. TO 1ST LEFT TO LEFT ON CUNNINGHILL
 CIRCLE TO SITE ON RIGHT.
 MAP LEGEND: 50, 3-12
 BUYER: TO DETERMINE APPROXIMATE ELEVATION OF POOL
 ON DAY OF EXCAVATION.
 BUYER: TO WET DOWN CONCRETE SHELL AT LEAST TWICE
 DAILY FOR SEVEN DAYS